

APPEAL NO. 022222  
FILED SEPTEMBER 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 29, 2002. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, includes an injury to the claimant's right hand/wrist in the form of a carpal tunnel syndrome (CTS) injury, but does not include an injury to the claimant's cervical spine. The claimant appealed the hearing officer's decision that the compensable injury does not include an injury to the cervical spine. The respondent (carrier) responded. There is no appeal of the hearing officer's decision that the compensable injury extends to the claimant's right hand/wrist in the form of a CTS injury.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable injury to his right shoulder. Whether the compensable injury includes an injury to the claimant's cervical spine presented a question of fact for the hearing officer to resolve from the conflicting evidence that was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determination that the compensable injury does not include the claimant's cervical spine is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Veronica Lopez  
Appeals Judge